



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-15-00523-CR

Daniel **ORTEGA**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the County Court at Law No. 11, Bexar County, Texas
Trial Court No. 436539
The Honorable Tommy Stolhandske, Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Chief Justice
Karen Angelini, Justice
Jason Pulliam, Justice

Delivered and Filed: September 30, 2015

DISMISSED

On August 31, 2015, this court issued an order stating this appeal would be dismissed pursuant to Rule 25.2(d) unless an amended trial court certification that shows appellant has the right of appeal was made part of the appellate record within thirty days. *See* TEX. R. APP. P. 25.2(d), 37.1; *see also Daniels v. State*, 110 S.W.3d 174, 175-76 (Tex. App.—San Antonio 2003, order). Appellant did not file an amended certification or otherwise respond. The clerk’s record does not contain a certification that shows the defendant has the right of appeal. To the contrary, the trial court certification in the record states “this criminal case is a plea-bargain case, and the

defendant has NO right of appeal.” The clerk’s record shows the punishment assessed did not exceed the punishment recommended by the prosecutor and agreed to by the defendant. Therefore, the clerk’s record supports the trial court’s certification that defendant has no right of appeal. *See* TEX. R. APP. P. 25.2(a)(2). Accordingly, we dismiss the appeal. *See* TEX. R. APP. P. 25.2(d).

PER CURIAM

DO NOT PUBLISH